IN RE: PETITION FOR RESIDENTIAL

ZONING VARIANCE

NE/S Holabird Avenue, 165 ft. NW \* ZONING COMMISSIONER

BEFORE THE

of c/l School Lane

7420 Holabird Avenue \* OF BALTIMORE COUNTY

12th Election District

7th Councilmanic District \* Case No. 97-255-A

Robert Crusse, Sr., et ux

Petitioners

\* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Robert Crusse, Sr., and Patricia C. Crusse, his wife, for that property known as 7420 Holabird Avenue in the Mountain Farm Annex subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR), to permit accessory structures of pool and garage to occupy 90%, more or less, in rear yard, in lieu of the required 2.5 ft.; and from Section 400.2 of the BCZR to permit 13 ft. and parking pad 7.5 ft. from center of alley in lieu of the required 15 ft. required. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits

ORDER RECEIVED FOR FILING
Date

By

submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

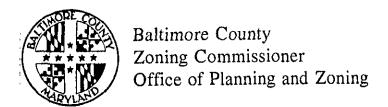
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of January, 1997 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR), to permit accessory structures of pool and garage to occupy 90%, more or less, in rear yard, in lieu of the required 2.5 ft.; and from Section 400.2 of the BCZR to permit 13 ft. and parking pad 7.5 ft. from center of alley in lieu of the required 15 ft. required, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners shall not allow or cause the accessory structure (garage) to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmn



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

January 9, 1997

Mr. and Mrs. Robert Crusse, Sr. 7420 Holabird Avenue Baltimore, Maryland 21222

RE: Petition for Administrative Variance

Case No. 97-255-A

Property: 7420 Holabird Avenue

Dear Mr. and Mrs. Crusse:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn encl.

c: John B. Gontrum, Esquire, 814 Eastern Blvd., Baltimore, Md. 21221



ESTIMATED POSTING DATE

## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at

7420 Holabird Avenue, Baltimore, Md 21222 which is presently zoned D.R. 5/5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

S400.1 To permit accessory structures of pool and garage to occupy 90%, more or less if rear yard in Likeu of required 2.5' and from Section 400.2 To permit garage 12' and parking pad 7.5' from center of alley in lieu of 15' required.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Unique site of lot relative to improvements and access to alley mandate variances.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Patition
Contract Purchaser/Lessee	Legal Owner(s).
(Type or Print Name)	Patricia C. Crusse
Signature	Signature C. Crusse
Address	Robert Crusse, Sr. (Type or Print Name)
City State Zipcode	Signature Commence
Attorney for Petitioner	5
John B. Gontrum, Esquire	7420 Holabird Ave., 284-0806 Address Phone No
Gignature Signature	Baltimore Md 21222 Cityc State Zipcode
orginature	Name, Address and phone number of representative to be contacted
814 Eastern Blvd. 686-8274	
Address Phone No	Name
Baltimore, Md 21221	•
Dity State Zipcode	Address Phone No
A Public Hearing having been requested and/or found to be required, it is order that the subject matter of this petition be set for a public hearing, advertised, a circulation, throughout Bolfimore County, and that the property be repasted	red by the Zaning Commissioner of Baltimore County, this day of, 19
JAMES OFF ISINIAN	
Jo Review ucr	loning Commissioner of Baltimore County
REVIEWED BY: DATE:	Protectives Contract to

on Recycled Paper

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do present	reside at 7420 Holabind A	venue. Paltim	ore, 16 21222
	Baltimore	Md	21222
	City	State	Zip Code
That based upon personal knowledg Variance at the above address: (indicate	e, the following are the facts upon what hardship or practical difficulty)	ich I/we base the reque	st for an Administrative
Pool was built many	<u>years ago as an ameni</u>	ty. Carage be	came a necessity
for storage on site	and was placed on pro	perty lineiin	xorder to access
alley due to grade.	Removal of structure	would cause	nardship due to gr
<u> </u>			
	<u></u>		
(fignature)  TOSENT CRUSSE  (type or pool name)  STATE OF MARYLAND, COUNTY	OF BALTIMORE, to wit:	(signature)  PXTRIC; (type or print name)	i Cliuss c. cruss
I HEREBY CERTIFY, this	day of December	, 19 <u>96</u> , before me	e, a Notary Public of the State
Robert CRUS	se al Porrie	DC. CR	me
the Affiants(s) herein, personally to that the matters and facts hereinabo  AS WITNESS my hand and Notarit	with 87 saving corrily identified to me we set torch and true and correct to the	as such Affiantt(s), and e best of his/her/their k	made oath in due form of law nowledge and belief.
date	0: 00:2	3	· /
, <b>*</b>	My Commi	ssion Expires:	6/97
-		,	-

19/11/51 770-90801 51500 WS/VS/ 66/

#### ZONING DESCRIPTION FOR 7420 HOLABIRD AVENUE

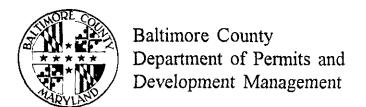
BEGINNING on the north side of Holabird Avenue, which is 30' wide at the distance of 165', more or less, west from the northwest centerline of School Lane, the nearest intersecting street, which is 30' wide. Being Lot No. 37, in the subdivision of Mountain Farm Annex, as recorded in Baltimore County Plat Book 13, folio 17 containing 7,500 square feet. Also known as 7420 Holabird Avenue and located in the 12th election district.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT No. 028512

DROP-OFF — NO REVIEW ITEM #255

DATE	12/12/96 ACCOUNT 001-6150
	AMOUNT \$ 50.00 (WCR)
RECEIVED	Romadka, Contrum & McLaughlin
FOR:	#010 - VARIANCE 7420 Holabird Avenue
	01A00H0261MICHRC \$50.00 BA C009:06AM12-13-96
OTION CASHIER F	VALIDATION OR SIGNATURE OF CASHIER

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Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

#### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

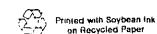
Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

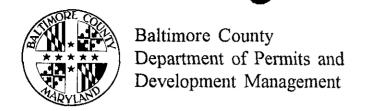
	ARNOLD	JABLON,	DIRECTOR
For newspaper advertising:		*****	an ann ann a- ann ann a- ann ann an ann an
Item No.: 255			
Petitioner: Robert and Patricia Crusse			· · · · · · · · · · · · · · · · · · ·
Location: 7420 Holabird Avenue, Baltimor	e. Md	21222	
PLEASE FORWARD ADVERTISING BILL TO:			
NAME: Robert and Patricia Crusse			
ADDRESS: 7420 Holabird Avenue, Baltimore	e, Md	21222	
PHONE NUMBER: 284-0806		<del></del>	
AJ:ggs		(Rev	ised 09/24/96)



### CERTIFICATE OF POSTING

se No.: 97-233-74
titioner/Developer:
BERT CRUSSE, SK
te of Hearing/Closing: 1-6-97
•
the necessary sign(s) required by law  7420 Holasies AVE.
96
Day, Year)
cerely,
(Signature of Sign Poster and Date)  Homes P. Ug & Sc  (Printed Name)  25 Nicholson Kand  (Address)  341 Timace, MO 21221  (City, State, Zip Code)  (10) 627-840

MOROGIANO



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

December 12, 1996

John B. Gontrum, Esquire 814 Eastern Boulevard Baltimore, MD 21221

RE: Drop-Off Petition (Item #255)

7420 Holabird Avenue 12th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper forms pertaining to this. There is a form indicating the posting standards required by Baltimore County, as well as a list of vendors serving the Baltimore County area. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to Gwendolyn Stephens.

If you have any questions regarding the sign posting, please do not hesitate to contact Gwendolyn Stephens at 887-3391.

Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor Zoning Review

WCR:scj

**Enclosures** 





Request for Zoning: Administrative Variance
Date to be Posted: Anytime before but no later than
Format for Sign Printing, Black Letters on a White Background:

ITEM 255

## **ZONING** NOTICE

## ADMINISTRATIVE VARIANCE

Case No. 97-255-A

ADMINISTRATIVE VARIANCE TO PERNIT ACCESSORY

STRUCTURES OF POOL AND GARAGE TO OCCUPY 90%

MORE OR LESS, OF READ YARD IN LIEU OF REQUIRED

2.5 FT. AND TO PERMIT GARAGE 13 FT. AND

(CONTINUED ON OTHER SIDE)

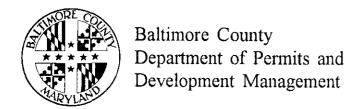
## **PUBLIC HEARING?**

PURSUANT TO SECTION 26-127(b) (1), <u>BALTIMORE COUNTY CODE</u>, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 19, 1996

#### ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-255-A (Item 255)
7420 Holabird Avenue
NE/S Holabird Avenue, 165' NW of c/l School Lane
12th Election District - 7th Councilmanic
Legal Owner(s): Patricia C. Crusse and Robert Crusse, Sr.
Post by Date: 12/22/96
Closing Date: 01/06/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

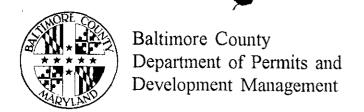
**PROCESS** IS NOT PLEASE UNDERSTAND THAT ON THE CLOSING DATE, COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon

Director

cc: Patricia C. Crusse and Robert Crusse, Sr. John B. Gontrum, Esq.





Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

January 7, 1997

John B. Gontrum, Esquire 814 Eastern Boulevard Baltimore, MD 21221

RE: Item No.: 255

Case No.: 97-255-A

Petitioner: Robert Crusse, et ux

Dear Mr. Gontrum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on December 11, 1992.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerety

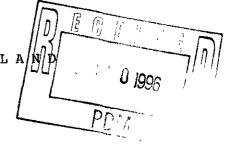
W. Carl Richards, Jr. Zoning Supervisor

WCR/re
Attachment(s)

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#### BALTIMORE COUNTY, MARYLA

#### INTEROFFICE CORRESPONDENCE



TO:

Arnold Jablon, Director

Date: December 26, 1996

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for December 30, 1996

Item No. 255

The Development Plans Review Division has reviewed the subject zoning item. A minimum of 20-foot right-of-way for the existing alley shall be shown. The proposed parking pad should be outside of the right-of-way line.

RWB:HJO:jrb

cc: File

Hot Males,
Seldward May

Mot Market

Seldward May

Mot Seldward

Market

Marke

ZONE43D



David L. Winstead Secretary Parker F. Williams Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 12.20.51

Item No.

...

755 (WCR)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief

P. J. Della

**Engineering Access Permits** 

Division

LG

My telephone number is \_\_\_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

· NECLOSIA CONTRACTOR

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Permits and Development

Management

FROM:

Pat Keller, Director

Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 238, 244, 245, 247, 248, 249, 250, 252, 253, 255)

and 256

DATE: December 19, 1996

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Division Chief:

PK/JL

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

#### INTER-OFFICE CORRESPONDENCE

TO:

PDM

FROM:

R. Bruce Seeley

Permits and Development Review

DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Do 23,96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

RBS:sp

BRUCE2/DEPRM/TXTSBP

Baltimore County Department of Permits & Development Management 11 West Chesapeake Avenue Towson, Maryland 21204 (410) 887-3351

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards

Zoning Coordinator

December 13, 1996

FROM: James H. Thompson -LJW

Zoning Enforcement Coordinator

RE: Item No. 255

VIOLATION CASE # C-97-1238 LOCATION OF VIOLATION 7420 HOLABIRD AVE.,21222 DEFENDANT ROBERT & PATRICIA CRUSSE ADDRESS 7420 HOLABIRD AVE.,21222

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME & ADDRESS

JOHN GONTRUM ESQ.
MS.LOLA STEFANO
7422 HOLABIRD AVE.,21222

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

## J. Kenneth Ehlers

ATTORNEY-AT-LAW
ADMITTED IN MARYLAND AND NEW YORK

11 CENTER PLACE
BALTIMORE, MARYLAND 21222
(410) 285-8883
FAX (410) 282-2929

6120 BALTIMORE NATIONAL PIKE CATONSVILLE, MARYLAND 21228 (410) 719-0747 FAX (410) 744-2322

October 31, 1996

John B. Gontrum, Esquire Romadka, Gontrum & McLaughlin, P.A. 819 Eastern Avenue Baltimore, MD 21221

Re: 7420 Holabird Avenue

Dear Mr. Gontrum:

This is to advise that Mr. and Mrs Crusse have taken care of the infringments that my client Mrs. DiStefano at 7422 Holabird Avenue had complained of.

She, therefore, will not oppose the variance which your client has applied for.

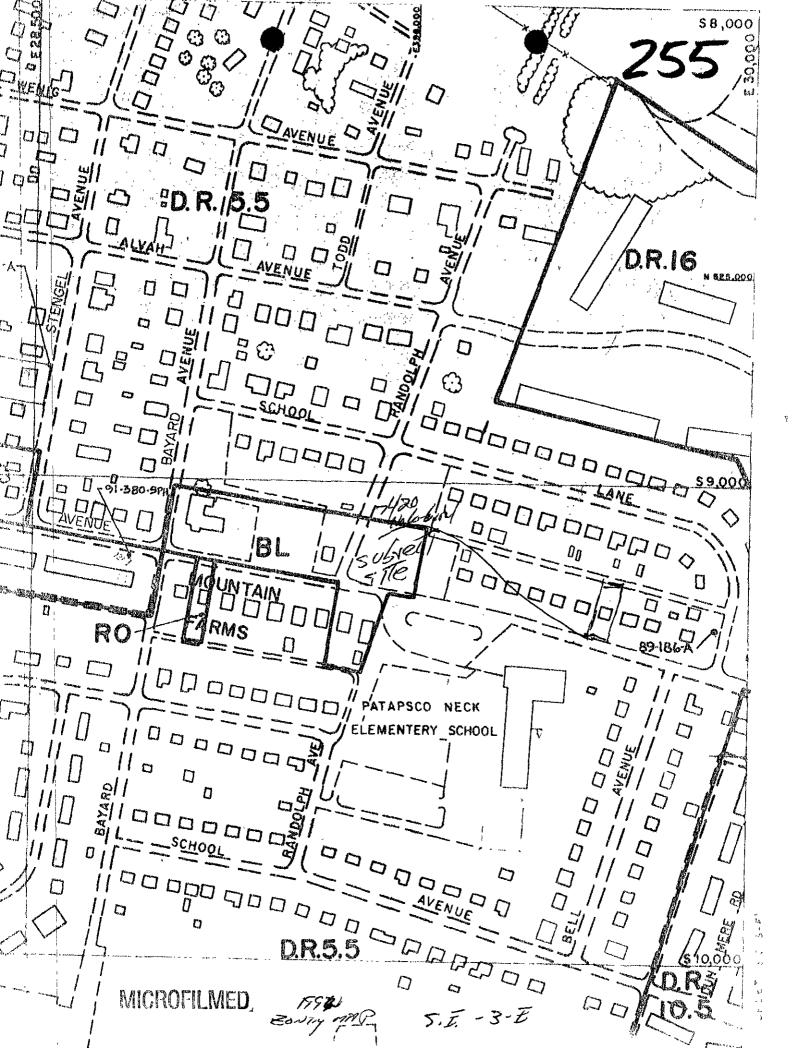
Thank you for your cooperation in this matter.

Very truly yours,

Kenneth Ehlers

JKE/ph

Hearing see pages 5 & 6 of the CHECKLIST for additional required information **:区** LOCATION INFORMATION ONLY B CASE#: SEWER: 🔀 7,500 マス市 square feet 3日 WATER: Chesapeake Bay Critical Area: scale: 1'\*1000' Vicinity Map Zoning Office USE HOLABIRD, [\*200' scale map#: 夕臣 TEM #: SCHOOL Election District: 12 III Special Councilmanic District: Prior Zoning Hearings: Zoning: OR 5.5 Lot size: 0.172 acreage reviewed by 当ンと KANDOLPH Plat to accompany Petition for Zoning X Variance PAVED WALKWAY, PATIO AND POOL AREA No. 7422 75 107 LINE 90 S **Z/** 9 HOLABIRD AVE. Scale of Drawing: 1'= DWELLING Oξ 07 BUILDTAG FRON7 16 707 20 7420 HOLABIRD 50 P. PAD 98 CRUSSE >00° FARM ANNEX <u>o</u> plat book# 13, tolio# 17, iot# 37, section#\_ ∄, वं Z 0 ROBERT No. 7418 40 9! Subdivision name: MOUNTAIN DRAWN TO SCALE BY BALTIMORE PROPERTY. ADDRESS: WHICH WAS CORRECTED AND COUNTY USING THE ORIGINAL OWNER: PATRICIA FILED PLAN AS A GUIDE. THE HE UNDERSIGNED ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THIS PLAN ORIGINAL PLAN WAS NOT ACCEPTABLE TO PDM. date: 11-7-96 prepared by: North





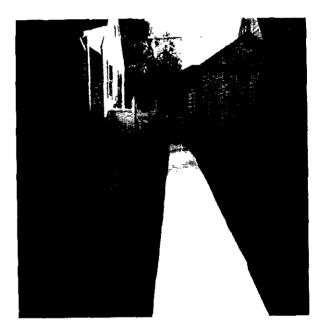
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Fren. Benedi time OF 7420 Holabind -1700/4 Vance.



posts and pance secremented



Porce day son



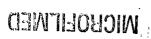
pan bou's ponth of you solubins' -Goneye



Rean of site



POOL and Garage To Rear OF 7420 Notabiled



Baltimore County
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

PARKING PAD 7.5 FT. FROM CENTER OF ALLEY IN LIEU OF 15 FT. REQUIRED.

